

PATENT  
Attorney Docket: 041514-5189

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Tomohiro MIZUNO et al. ) Group Art Unit: 2652  
Application No.: 09/656,953 ) Examiner: D. Nguyen  
Filed: September 7, 2000 )  
For: DISK PLAYER )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**CHANGE OF CORRESPONDENCE ADDRESS**

Please enter the correspondence address of this application as:

**Customer Number 009629**

A new power of attorney appointing the undersigned is being filed concurrently herewith.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our


Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: July 3, 2002

By:

  
Paul A. Fournier  
Registration No. 41,023

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**PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:**

In re Application of: Tomohiro MIZUNO *et al.*

BOX AF

Application No.: 09/656,953

Filed: September 7, 2000

Confirmation No. 1964

Group Art Unit: 2652

Examiner: D.C. Nguyen

For: **DISK PLAYER**

1. Amendment Transmittal Form
2. Amendment under 37 C.F.R. § 1.116

Dated: January 23, 2003

Attorney Docket No.: 041514-5189

PAF/ph



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*billed*  
*2/14/03* *gao*

**DOCKETED**

By PSB Date 1-24-03



Response under 37 C.F.R. § 1.116

Expedited Procedure

Examining Group 2652

PATENT

ATTORNEY DOCKET NO.: 041514-5189

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	<b>BOX AF</b>
Tomohiro <b>MIZUNO</b> <i>et al.</i>	)	Confirmation No.: 1964
Application No. 09/656,953	)	Group Art Unit: 2652
Filed: September 7, 2000	)	Examiner: D.C. Nguyen
For: <b>DISK PLAYER</b>	)	

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated October 23, 2002 (Paper No. 8), and pursuant to 37 C.F.R. § 1.116, the period for response extending through January 23, 2003, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal:

**IN THE CLAIMS:**

Please amend claims 1 and 2 as follows:

1: (Twice Amended) A disk player for holding a plurality of disks at a disk standby area in a casing, so that a disk selected from said plurality of disks may be transferred to a disk playing area in said casing and may be reproduced, comprising:

a plurality of disk trays, which are stacked in a predetermined direction, respectively keeping one of said plurality of disks thereon;

a disk playing assembly for clamping and playing one of said plurality of disks having been moved to said disk playing area to reproduce information recorded on said disk; and

a supporting mechanism for supporting said disk playing assembly thereon,

wherein during a movement in which one of said disk trays is being moved from said disk standby area to said disk playing area said one of disk trays comes into engagement with said supporting mechanism so that said disk playing assembly is caused to move in said predetermined direction thereto, and clamp and play said one of plurality of disks.

2. (Twice Amended) A disk player according to claim 1, wherein said supporting mechanism is rotatably supported about a rocking fulcrum, said disk playing assembly is supported apart from said rocking fulcrum on said supporting mechanism, and said disk playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum.

**REMARKS**

**Summary of the Final Office Action**

In the Final Office Action dated October 23, 2002, claims 2-4 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,046,059 to Yoshida et al. (hereinafter "Yoshida"). Claims 2-4 have been indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and to include the limitations of the base claim and any intervening claims.

**Summary of the Response to the Office Action**

Applicants have amended claims 1 and 2 to improve the form of the claims. Accordingly, claims 1 - 4 remain pending in this application.

**Change of Correspondence and Associated Papers**

Applicants note that a Change of Correspondence Address, Change of Attorney Docket Number, and Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney were filed in this application along with an IDS on July 3, 2003. The Examiner has considered the IDS filed on July 3, 2003 as indicated by the initialed PTO-Form 1449 included with the Office Action dated October 23, 2002. However, the Change of Correspondence Address, Change of Attorney Docket Number, and Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney appear to not have yet been processed by the U.S.P.T.O. because the Office Action dated October 23, 2002 was incorrectly forwarded to the previous correspondence address and the new attorney docket number has not been indicated on the Office Action. Applicants request confirmation that these matters have been attended to with the next

Office Communication. The U.S.P.T.O. is invited to contact the undersigned in the event that any questions remain on these issues.

**Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 2-4 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended claim 2 in accordance with the Examiner's comments. Applicants respectfully submit that claims 1-4 now fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**The Rejections under 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,046,059 to Yoshida. To the extent that this rejection might be re-applied to claim 1 as newly-amended, it is respectfully traversed for at least the following reasons.

Claim 1 has been newly-amended to recite a disk player for holding a plurality of disks at a disk standby area in a casing, so that a disk selected from said plurality of disks may be transferred to a disk playing area in the casing and may be reproduced, the disk player combination includes a plurality of disk trays, which are stacked in a predetermined direction, respectively keeping one of the plurality of disks thereon; a disk playing assembly for clamping and playing one of the plurality of disks having been moved to the disk playing area to reproduce information recorded on the disk; and a supporting mechanism for supporting the disk playing assembly thereon, wherein during a movement in which one of the disk trays is being moved from the disk standby area to the disk playing area the one of disk trays comes into engagement with the supporting mechanism so that the disk playing assembly is caused to move in the predetermined direction thereto, and clamp and play the one of plurality of disks.

As is evident from the recitations of claim 1, as newly-amended, the disk player arrangement of the instant invention is configured so that one of disk trays (55c, for example) comes into engagement with the supporting mechanism (100, 103a, etc., for example) so that the disk playing assembly (120, 121a, 121b, 130, for example) is caused to move in the predetermined direction (Y-axis direction, for example) thereto, and clamp and play a disk on the disk tray (55c, for example).

On the other hand, Applicants respectfully submit that it is clear that Yoshida does not disclose that a disk tray (111, 112) comes into engagement with a supporting mechanism for supporting a disk playing assembly (168, 170, etc.) as recited in newly-amended claim 1. Moreover, Yoshida does not teach or suggest that its support shaft (109a-b) engages with the disk tray (111, 112) so as to move the disk playing assembly (168, 170, etc.) in the manner recited in newly-amended independent claim 1.

Accordingly, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Yoshida does not teach or suggest each feature of independent claim 1, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Furthermore, Applicants respectfully assert that dependent claims 2-4 are allowable at least because of the dependence from independent claim 1, as amended, and the reasons set forth above. Moreover, the Examiner is thanked for the indication that claims 2-4 include allowable subject matter.

Attached hereto is a marked-up version of the changes made by the current Amendment.

The attachment is captioned "Version with marking to show changes made."

**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3)

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Paul A. Fournier  
Reg. No. 41,023

Dated: January 23, 2003

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1 and 2 have been amended as follows:

1. (Twice Amended) A disk player for holding a plurality of disks at a disk standby area in a casing, so that a disk selected from said plurality of disks may be transferred to a disk playing area in said casing and may be reproduced, comprising:

a plurality of disk trays, which are stacked in a predetermined direction, [~~for receiving~~]  
respectively keeping one of said plurality of disks [~~individually~~] thereon;

a disk playing assembly for clamping and playing one of said plurality of disks having been moved to [at] said disk playing area to reproduce information recorded on said disk; and

a supporting mechanism for supporting said disk playing assembly thereon,

wherein during a movement in which one of said disk trays is being moved from said disk standby area to said disk playing area [~~and~~] said one of disk trays comes into engagement with said supporting mechanism so that said disk playing assembly is caused to move in said predetermined direction thereto, and clamp and play said one of plurality of disks [~~moved in said predetermined direction~~].

2. (Twice Amended) A disk player according to claim 1, wherein said supporting mechanism is rotatably supported about a rocking fulcrum, said disk playing assembly [~~playing mechanism~~] is supported apart from said rocking fulcrum on said supporting mechanism, and said disk playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum.



OFFICE OF FINANCE  
REFUND BRANCH

2003 APR 28 AM 9:23

PATENT  
ATTORNEY DOCKET NO.: 041514-5189

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
US PATENT & TRADEMARK  
OFFICE

DEPT REF  
RM-207

#131 Reg for  
refund  
07-09-03

In re Application of:

Tomohiro MIZUNO et al.

Serial No.: 09/656,953

Filed: September 7, 2000

For: DISK PLAYER

Group Art Unit: 2652

Examiner: D. Nguyen

Commissioner of Patents  
ATTN : Refund Section,  
Accounting Division, Office of Finance  
Washington, D.C. 20231

#### REQUEST FOR REFUND

This is a request for a refund in the amount of \$820.00. It is respectfully requested that this refund be credited to Deposit Account No. 50-0310. The reasons for the refund request are as follows. Applicants are concurrently filing on this date a Request for Continued Examination (RCE) in response to the Final Office Action dated October 23, 2002 and the Advisory Action dated February 4, 2003. In the RCE Transmittal, the Commissioner is authorized to charge Deposit Account No. 50-0310 an amount that includes \$930.00 for the required three-month extension of time for responding to the October 23, 2002 Final Office Action, today being April 22, 2003. Applicants respectfully submit that the \$930.00 fee for a three-month extension should be reduced to \$110.00 fee for a one-month extension because Applicants' undersigned representatives did not receive the Advisory Action dated February 4, 2003 until April 7, 2003 as a result of a USPTO mailing error. The facts with regard to the error are as follows.

Applicants filed a Change of Correspondence Address in this application on July 3, 2002 (Exhibit A). Subsequently, a Final Office Action was issued by the U.S. Patent and Trademark Office on October 23, 2002. A reminder of this Change of Correspondence Address filing was included on pages 3 and 4 of the Amendment after Final filed on January 23, 2003 (Exhibit B) in response to the Final Office Action. However, despite these actions by Applicants' undersigned

representatives, the Advisory Action dated February 4, 2003 was mailed to the improper address, namely the office of the Applicants' previous representatives at the law firm of Fish & Richardson in Washington, DC, instead of directly to our office, resulting in the Applicant's undersigned representative not receiving the Advisory Action until April 7, 2003. If Applicants' undersigned representative had received the Advisory Action dated February 4, 2003 directly, the concurrently filed RCE would have been filed by February 23, 2003. The late receipt of the Advisory Action required Applicants to pay a three-month extension of time fee of \$930.00 instead of a one-month extension of time fee of \$110.00. Accordingly, Applicants respectfully request a refund for the two additional months of extension fees ( $\$930.00 - \$110.00 = \$820.00$ ) that were incurred as a result of this USPTO error.

Applicants' undersigned representative placed a telephone message with Examiner Dzung Nguyen of Art Unit 2652 explaining the above facts and he returned our call with a voice mail message on April 17, 2003 explaining that the USPTO had not yet changed the Correspondence Address which is why the old address was used. He noted that he would inform the proper individuals about this Change of Correspondence Address so that it will be corrected.

In light of the foregoing facts, it is respectfully requested that a refund be made by crediting Deposit Account No. 50-0310 in the amount of \$820.00.

If any fee is due with the filing of this paper, please charge the fees to Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN LEWIS & BOCKIUS LLP**

Dated: April 22, 2003

By:



Paul A. Fournier

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**PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:****In re Application of: Tomohiro MIZUNO et al.****Application No.: 09/656,953****Filing Date: September 7, 2000****Group Art Unit: 2652****Examiner: D. Nguyen****For: DISK PLAYER**

1. Information Disclosure Statement under 37 C.F.R. § 1.97(c)
2. PTO Form 1449 with one reference attached
3. Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney
4. Change of Attorney Docket Number
5. Change of Correspondence Address

The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$180.00** representing the Information Disclosure Statement fee as specified in 37 C.F.R. § 1.17(p).

Dated: July 3, 2002

Attorney Docket No.: 041514-5189

PAF/kya



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Billed  
7/31/02  
DND

**DOCKETED**By [Signature] Date 7/10/02